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N.J.A.C. 7:1 DEPARTMENT ORGANIZATION

Authority: N.J.S.A. 13:1B-3d, 13:1B-3e, 13:1B-5a, and 52:14B-4(b)

Effective Date: August 5, 2005

Expiration Date: (5 years from effective date)

SUBCHAPTER 1. GENERAL PROVISIONS

7:1-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Delegee" means the Chief of Staff, Counselor to the Commissioner, any Deputy or Assistant Commissioner, Director, or other individual within the Department, to whom or to which any power, duty or authority of the Commissioner or the Department has been delegated.

"Department" means the Department of Environmental Protection.

"Organizational unit" means any division, office, bureau or other entity within the Department.

7:1-1.2 Organization of the Department

(a) The Commissioner is the administrator and head of the Department, and has the duties listed in N.J.S.A. 13:1B-3. The Deputy Commissioner, the Chief of Staff, two Counselors to the Commissioner, and eight Assistant Commissioners, report directly to the Commissioner.

(b) The Deputy Commissioner, who is second in command to the Commissioner, provides policy recommendations to the Commissioner and serves as Acting Commissioner in the Commissioner's absence or disability.

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(c) The Chief of Staff, who coordinates staff functions in the Commissioner's office, is responsible for the day-to-day administration of Department activities.

(d) Two Counselors to the Commissioner serve as the Commissioner's legal liaisons with the Department of Law and Public Safety and advise the Commissioner regarding policy implications of legal issues that arise in connection with the Department's work. In addition, the lead Counselor to the Commissioner serves as the Department's Ethics Liaison Officer and the Department's liaison to all of the agencies allocated to the Department in accordance with the New Jersey Constitution and commonly known as "in but not of agencies." The lead Counselor to the Commissioner oversees the following organizational units:

1. The Office of Legal Affairs, which, pursuant to Executive Order No. 6(1990), is the legal liaison with the Division of Law (in the Department of Law and Public Safety) and with the Office of Administrative Law regarding rulemaking, adjudicatory hearing requests, and final decisions in contested cases. The office includes the Department's Administrative Practice Officer and the staff to the Department's Ethics Liaison Officer. This office also manages subpoenas of Department employees and records, and requests for ethics advice from Department employees, and serves as the central filing point for other communications with legal consequences (such as bankruptcy and tort claim notices); and

2. The Office of Dispute Resolution, which provides a forum other than the administrative and trial courts for resolution of disagreements between affected parties and the Department regarding Departmental actions. The Office of Dispute Resolution employs alternative dispute resolution processes, primarily mediation, and acts as an impartial third party to assist affected parties and the Department in reaching a joint resolution of the issue(s) and agreeing on a future course of action. Mediation most often takes place after a Departmental decision has been formally contested and scheduled for an administrative hearing. The affected party may request mediation contemporaneously with its appeal of the Department's decision in accordance with guidelines available from the Office of Dispute Resolution.

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(e) The Assistant Commissioner for Policy, Planning and Science provides support to the Commissioner in the Commissioner's capacity as a member of the State Planning Commission, and is responsible for coordinating, to the extent allowed by law, the implementation of the aspects of the State Development and Redevelopment Plan relevant to the Department's environmental protection mission and goals. The Assistant Commissioner for Policy, Planning and Science oversees the following organizational units:

1. The Policy Team, which develops linkages between environmental regulation and public health and natural resource protection;

2. The Division of Science, Research and Technology, which provides scientific and technical information to the Department's programs and includes the following:

i. The Bureau of Environmental Assessment, which provides human health and impacts assessments;

ii. The Bureau of Sustainable Communities and Innovative Technology, which disseminates information about and fosters implementation of innovative environmental technologies; and

iii. The Bureau of Natural Resources Science, which conducts natural resource research and provides technical assistance, including ecological risk assessment, to other programs in support of the natural resource protection goals of the Department.

3. The Office of Coastal Planning and Program Coordination, which administers New Jersey's Federally approved Coastal Management Program; and

4. The Office of Environmental Justice, which provides citizens in disenfranchised communities with information on opportunities to participate in the environmental decision-making process at the State level.

(f) The Assistant Commissioner for Communications and Legislation oversees the Department's communications with the business community, local, county and State government, and the media; monitors State and Federal legislation; coordinates

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Department testimony on legislation; and manages and maintains oversight for the content of the Department's website. The Assistant Commissioner for Communications and Legislation oversees the following organizational units:

1. The Office of Communications, which includes the Department's Public Access Center, and which monitors and supports public outreach and education activities, provides centralized communications support, and provides editorial and graphic arts services to the Department;
2. The Office of Legislative Affairs, which monitors and tracks all State and Federal legislation; coordinates with all relevant Department offices and other state agencies to develop the Department's position on each piece of legislation, which may include the drafting and submission of amendments to the bill sponsor; tracks and reviews all correspondence with and requests from legislators and members of Congress; and prepares legislative testimony for Department representatives;
3. The Press Office, which serves as a single point of contact between the Department and all media outlets, reporters, editorial writers, and columnists for the purpose of facilitating the release of accurate and timely information to the press and ensuring that all Department communications with the press reflect the current policies and priorities of the Commissioner; and
4. The Office of Local Government Assistance, which serves as the Department's liaison to local governments and is responsible for administering grants to support environmental projects on the local level, and for assisting Department programs in communicating with county and municipal governments.

(g) The Assistant Commissioner for Compliance and Enforcement implements the Department's overall compliance and enforcement policies and supervises the Department's enforcement programs associated with water pollution; hazardous waste management; solid waste management; coastal and land use; pesticides; local environmental management; and air pollution. The Assistant Commissioner for Compliance and Enforcement oversees the issuance and settlement of administrative enforcement documents for the above programs. The Assistant Commissioner for Compliance and Enforcement supervises the Bureau of Enforcement and Compliance

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Services. The Assistant Commissioner for Compliance and Enforcement oversees the following organizational units:

1. County Environmental and Waste Enforcement;
2. Water Compliance and Enforcement;
3. Air Compliance and Enforcement; and
4. Pesticide Control and Coastal and Land Use Enforcement.

(h) The Assistant Commissioner for Environmental Regulation oversees the Department's air quality programs, including permit programs and other air quality management work; water quality permitting; low-interest financing for environmental infrastructure; radiation protection; the prevention of toxic catastrophes and of discharges of hazardous substances; the collection of chemical inventory, environmental release and materials accounting data; pollution prevention; certification of environmental laboratories; and the Department's quality assurance program. The Assistant Commissioner for Environmental Regulation is also responsible for implementing a compliance and enforcement program for the Pollution Prevention Act, the Toxic Catastrophe Prevention Act, the Worker and Community Right to Know Act and the discharge prevention aspects of the Spill Compensation and Control Act. The Assistant Commissioner for Environmental Regulation oversees the following organizational units:

1. The Division of Air Quality, which includes Air Quality Permitting, Air Quality Management and Air Quality Evaluation.
 - i. Air Quality Permitting is responsible for evaluating facility-wide air pollution control permits for major facilities; evaluating applications for new or modified equipment which emit air contaminants; and overseeing the measurement of air contaminant emissions.
 - ii. Air Quality Management monitors air quality, evaluates stationary, mobile and natural sources of air pollution, and develops air quality regulations.
 - iii. The Bureau of Air Quality Evaluation is responsible for reviewing air quality modeling and risk assessments;

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2. The Division of Environmental Safety and Health, which includes the Office of Quality Assurance, the Radiation Protection and Release Prevention Program, and the Office of Pollution Prevention and Right to Know.

i. The Office of Quality Assurance develops and administers the Department's quality assurance policies and procedures and administers the laboratory certification program.

ii. The Radiation Protection and Release Prevention Program licenses radiological technologists and users of radioactive materials, assesses exposure to non-ionizing radiation, and administers the radon program;

iii. The Office of Pollution Prevention and Right to Know is responsible for the implementation of the Pollution Prevention Act, including facility-wide permitting and the integration of multimedia pollution prevention into media-specific permit programs, the Toxic Catastrophe Prevention Act, Community and Worker Right to Know Act, and the discharge prevention aspects of the Spill Compensation and Control Act. The Office also implements the Small Business Assistance Program and "One Stop," a coordinated permitting and compliance assistance process which identifies all permits required for a development or significant facility start-up or expansion project and maintains consistent contact throughout the process; and

3. The Division of Water Quality, which includes the Bureau of Permit Management, the Watershed Permitting Element, and the Municipal Finance and Construction Element.

i. The Bureau of Permit Management is responsible for development of fee assessment methodology, administering New Jersey Pollutant Discharge Elimination System permit fees, and management of the discharge monitoring report program.

ii. The Watershed Permitting Element is responsible for stormwater permitting; reviewing permit applications for construction and operation of alternative design septic systems; issuing New Jersey Pollutant Discharge Elimination System permits for discharges to surface and ground waters; regulating the discharge of contaminants and toxics into wastewater treatment facilities; and regulating the management of residuals such as sludge and food wastes.

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iii. The Municipal Finance and Construction Element is responsible for assisting municipalities with planning, design, construction, and management of municipal wastewater treatment and conveyance facilities; issuing permits for combined sewers; issuing permits for construction and operation of wastewater treatment facilities and sanitary sewers; and administering the New Jersey Environmental Infrastructure Finance Program.

(i) The Assistant Commissioner for Site Remediation and Waste Management oversees the Department programs responsible for solid and hazardous waste permitting and planning, for evaluating potentially contaminated sites; overseeing the cleanup of contaminated sites conducted by responsible parties as well as the cleanup of sites with public funds; implementing the Industrial Site Recovery Act and the Underground Storage of Hazardous Substances Act; undertaking emergency activities related to discharges of hazardous substances and wastes; and maintaining a master list of contaminated waste sites in the State. The Assistant Commissioner for Site Remediation additionally oversees the administration of the New Jersey Spill Compensation Fund and the processing of claims against the Sanitary Landfill Contingency Fund. The Assistant Commissioner oversees the following organizational units:

1. The Office of Brownfield Reuse, which coordinates brownfield remediation and reuse efforts and pilots innovative approaches to expedite the revitalization process;
2. The Office of Dredging and Sediment Technology, which has primary responsibility for the regulation of dredging projects and the management of dredged material in the tidal waters of the State;
3. The Division of Remediation Management and Response, which oversees the remediation of contaminated sites conducted by responsible parties; implements the Industrial Site Recovery Act and the underground storage tank program, and is responsible for conducting remediation with public funds when private funds are not available;

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4. The Division of Remediation Support, which oversees resource allocations, conducts initial contaminated site evaluation, sampling, and data validation, and determines if there is a responsible party to recover costs for cleanups at sites remediated with public funds. The Division also provides program contracting, technical, data management, public outreach, regulatory development and enforcement support to the Department's site remediation programs. Remediation Support is also responsible for undertaking emergency response activities related to the discharge of hazardous substances, emergency planning, and homeland security; and

5. The Division of Solid and Hazardous Waste, which is responsible for permitting facilities that treat, store and/or dispose of hazardous and solid waste. Responsibilities include development of rules, policies and procedures to maintain Federal authorization to implement the Federal Resource Conservation and Recovery Act for hazardous waste management in New Jersey; planning source reduction, recycling and market development activities; administering solid waste planning programs; administering a background disclosure program for persons seeking to obtain certain solid waste permits and licenses; and administering the Department's solid waste financial assistance programs.

(j) The Assistant Commissioner for Natural and Historic Resources manages organizational units responsible for preservation, protection, and stewardship of the State's natural and historic resources; increasing public awareness, knowledge and appreciation of these resources and their contribution to public welfare; providing recreational opportunities on public lands and parks and ensuring open and equitable access thereto; addressing threats to public health, safety and property posed by flooding and other natural causes; and pursuing redress of injury to natural and historic resources. The Assistant Commissioner for Natural and Historic Resources oversees the following organizational units:

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1. The Division of Fish and Wildlife, which conserves and protects New Jersey's wildlife through research, management, education, regulation and enforcement; administers programs for recreational hunting, angling and other wildlife-related recreation; maintains New Jersey's lists of endangered and threatened nongame species; manages the State's marine and freshwater fisheries and operates the State's fish-rearing and fish-stocking program; administers the State's wildlife management areas; provides a variety of wildlife information and technical services to the general public and other government programs; and provides administrative support to the Endangered and Nongame Species Advisory Committee, the Fish and Game Council, the Marine Fisheries Council, the New Jersey Mosquito Control Commission, the Shellfisheries Council, and the Waterfowl Advisory Committee;

2. The Division of Parks and Forestry, which is responsible for management of State parks, forests, recreation areas, historic sites and districts, and natural areas, to preserve and protect the resources therein and to provide public recreational opportunities; maintains a law enforcement component to ensure public safety and resource protection; promotes forest stewardship; provides forest fire prevention and control services; maintains a State-wide inventory of rare plant and ecological community occurrences; promotes a State-wide network of trails; and provides administrative support to the New Jersey Natural Land Trust, the New Jersey Trails Council, and the Community Forestry Advisory Council;

3. The Green Acres Program, which purchases land for State parks, forests, and wildlife management areas, and provides funds to municipalities, counties, and non-profit organizations for open space acquisition and/or outdoor recreational

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development projects;

4. The Office of Engineering and Construction, which protects public and private property and infrastructure through dam safety inspections and dam restorations, waterway maintenance, and flood control and shore protection projects, while increasing and institutionalizing public access to natural resources in the project areas;

5. The Office of Natural Resource Restoration, which assesses injuries to New Jersey's natural resources associated with oil spills or other hazardous substance releases; and, in conjunction with other State or Federal agencies, determines appropriate restoration of those injuries, implemented through negotiated settlements with responsible parties; and

6. The Office of Historic Preservation, which maintains the New Jersey Register of Historic Places; reviews projects proposed by agencies of government, permit applicants and other persons that may impact historic or archaeological resources; provides technical assistance and training to preserve, protect and promote the State's historic resources; and provides administrative support to the New Jersey Historic Sites Council.

(k) The Assistant Commissioner for Land Use Management oversees permitting involving freshwater and coastal wetlands, coastal area facility review, waterfront development, and flood hazard area control (stream encroachment). The Assistant Commissioner additionally oversees programs that assure adequate and safe water supplies, establish water quality standards, characterize geological and groundwater resources, perform ambient monitoring of the State's fresh and marine surface waters, establish and implement plans, regulations, and guidance that ensure

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appropriate stormwater and wastewater management on a regional basis and reduce non-point source pollution, administer Tidelands instruments to convey riparian rights, and implement the Department's Smart Growth policies and objectives. The Assistant Commissioner for Land Use Management oversees the following organizational units:

1. The Division of Land Use Regulation, which includes the Bureau of Coastal Regulation, the Inland Regulation (northern) Element, and the Bureau of Tidelands Management. The Division of Land Use Regulation is responsible for the regulation and permitting of activities in freshwater and coastal wetlands, flood hazard areas, the coastal zone and tidelands;
2. The Division of Water Supply, which includes the Water Supply Permitting Element and the Water Supply Operating Element. The Division of Water Supply is responsible for well construction activities, water allocation permitting and water resource management activities, safe drinking water construction permitting, water supply construction loans, and private well testing activities. Other responsibilities include source water assessments, physical connections, capacity development, drought management and drinking water security;
3. The Division of Watershed Management, which includes the Bureaus of Watershed Planning; Environmental Analysis and Restoration; and Watershed Regulation; and the Office of Watershed Education, Estuaries and Monitoring. The Division of Watershed Management is responsible for water resource policy and planning, water quality planning, water supply planning, total maximum daily load development, water resource model development, watershed management and citizen education activities;
4. The Water Monitoring and Standards Element, which includes the Bureau of Marine Water Monitoring, the Bureau of Freshwater and Biological Monitoring, and the Bureau of Water Quality Standards and Assessment. The Water Monitoring and Standards Element is responsible for ambient monitoring and assessment of the State's fresh and marine surface waters (including lakes) and groundwaters based on their physical, chemical and biological characteristics; implementing the monitoring

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portion of New Jersey's Shellfish Sanitation Program; developing surface and groundwater quality standards; and developing the Integrated 305(b)/303(d) Water Quality/Impaired Waterbodies Report;

5. The New Jersey Geological Survey (NJGS) Element, which includes the Bureau of Water Resources and the Bureau of Geology and Topography. The NJGS is responsible for geology, historic fill and groundwater resource mapping and information, aquifer recharge evaluation, well head protection area delineation, geoscience research, geographical information services, State boundary maintenance, shore protection resource assessments, ambient groundwater quality characterization and assessment of watersheds and their water supplies; and

6. The Division of Smart Growth, which coordinates Department-wide smart growth initiatives.

(l) The Assistant Commissioner for Management and Budget oversees the Department's administrative, financial, contracting, human resources, information technology, health and safety, training, audits, records custodian and equal opportunity activities. The Controller reports directly to the Assistant Commissioner for Management and Budget. The Assistant Commissioner oversees the following organizational units:

1. The Division of Budget and Finance, which comprises five operating units that provide overall financial guidance and establish fiscal policies within the Department. These units include Budget Management, Contracts and Administrative Operations, Federal Funds Administration, Financial Operations and Trust Funds Management;

2. General Services, which consists of two bureaus, Central Services, and Property Management and Support Services, and which provides Department programs with resources and the facility support required to assist staff in carrying out their program objectives;

3. The Office of Management and Budget Systems Coordination, which is responsible for improving business processes through technology with a focus on financial, human resources, and other administrative services. The Office leverages

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the functionality of the existing administrative suite and develops new applications and complex reports to provide constituents with the highest quality administrative information technology;

4. The Division of Human Resources, which comprises three units, Labor Relations, Human Resource Operations and Human Resource Services, and which manages and administers personnel and payroll services, disputes, disciplinary actions, classification and organization analysis, recruitment, employee benefits, position management, and salary administration;

5. The Office of Occupational Health and Safety, which is responsible for developing, implementing, and administering a Department-wide health and safety program. Its primary role is the protection of Department employees from recognized health and safety hazards within their work places and in the performance of their jobs;

6. The Office of Information Resources Management (OIRM), which is organized into three major areas: Network Services, Geographic Information Systems (GIS), and Systems Development and Support. OIRM is charged with increasing the efficiency of Department programs by developing and maintaining integrated information systems and internet applications that streamline business operations, providing centralized computer systems, servers and network support, providing GIS expertise to Department programs, and providing data entry assistance to all Department programs, as needed;

7. The Office of Organizational Development and Training, which is responsible for the Department's workforce development, succession planning and special program administration, and assisting with change management and process improvement strategies;

8. The Office of the Records Custodian, which manages the Department's response to requests for government records under the Open Public Records Act;

9. The Office of Audit, which is responsible for external audits of grants, contracts and leases, as well as internal financial and operational audits of

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Department programs. The Office assists management by evaluating the adequacy and effectiveness of internal controls; and

10. The Office of Equal Opportunity and Contract Assistance, which is responsible for the development and implementation of the Department's Equal Opportunity program. The Office also monitors and enforces compliance with Federal and State statutes relative to minority and women-owned business participation in the Department's contracting process.

7:1-1.3 Communicating with the Department

(a) Persons seeking information from the Department may contact the appropriate offices and programs described at N.J.A.C. 7:7-1.2. The Department publishes a guide to its offices, programs, and staff, entitled Easy Access, which is available from the Department's Office of Communications at (609) 777-3373 and can also be found at the Department's web site, www.state.nj.us/dep.

(b) Requests for inspection, copying, or obtaining a copy of any government record under N.J.S.A. 47:1A-1 et seq. (Open Public Records Act) should be submitted to:

Department of Environmental Protection
Office of the Records Custodian
401 East State Street
PO Box 442
Trenton, NJ 08625-0442
E-mail: records.custodian@dep.state.nj.us
Website: www.state.nj.us/dep/opra

(c) Publications, press releases, notices of public hearings and other forums, scientific studies, and a variety of other information is maintained and made available at the DEP Public Access Center, 401 East State Street, 1st Floor, Trenton, New Jersey. The Public Access Center is open weekdays from 9:00 A.M. to 5:00 P.M., and its staff is available by telephone at (609) 777-DEP3. Written inquiries should be submitted to:

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Department of Environmental Protection
Public Access Center
401 East State Street
PO Box 402
Trenton, NJ 08625-0402

(d) Information concerning the types of permits required for a project, timing of permit review, and instructions for completing permit applications may be obtained from:

Department of Environmental Protection
Office of Pollution Prevention and Right to Know
401 East State Street
PO Box 402
Trenton, NJ 08625-0402

(e) The Department publishes the DEP Bulletin, which is a semi-monthly publication listing the construction permit applications recently filed or acted upon by the Department. Using the DEP Bulletin, interested persons can determine the status of Coastal Area Facility Review Act (CAFRA) permits, Federal consistency activity permits, freshwater wetlands individual and general permits, open water fill permits, NJPDES permits, solid waste facility permits, flood hazard area control (stream encroachment) permits, tidal wetlands permits, treatment works approvals, and waterfront development permits. The DEP Bulletin also includes a calendar of events of interest, a schedule of public hearings (which, however, does not constitute an official notice of a hearing), and a list of Environmental Impact Statements acted upon. The DEP Bulletin is available at municipal clerks' offices and county planning board offices and on the Department's website at www.nj.gov/dep/bulletin. Annual subscriptions (24 issues) are available to individuals for a \$50.00 fee. Persons interested in subscribing to the DEP Bulletin should mail their request with a check made payable to "Treasurer, State of New Jersey" to:

Department of Environmental Protection
Bureau of Revenue
P.O. Box 417
Trenton, NJ 08625-0417

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(f) Subpoenas for the production of Department records and/or testimony from Department employees must be served upon the Department at the following address:

Department of Environmental Protection
Office of Legal Affairs
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402

7:1-1.4 Effect of delegation of authority

(a) No provision of Title 7 of the New Jersey Administrative Code or of any other rules of the Department which delegates any power, duty or authority of the Department or the Commissioner to any delegee shall be construed to limit the power or authority of the Commissioner over the delegated subject matter. Without limiting the generality of the foregoing, the Commissioner may take any action for which responsibility has been delegated to a delegee, with the same force and effect as if such responsibility had not been delegated. Such actions include, without limitation, the grant or denial of an application for a permit; revocation of a permit; action on any other application to the Department; or the issuance of an administrative order, administrative consent order, directive, notice of violation, or penalty assessment.

(b) The election to exercise any delegated power, duty or authority shall be solely within the discretion of the Commissioner.

(c) No provision of this section shall be construed as affecting any substantive or procedural provisions of Title 7 of the New Jersey Administrative Code or of any other rules of the Department, except to the extent that any such provision delegates any power, duty, or authority of the Department or the Commissioner to any delegee. No provision of this section shall be construed as affecting the right of any person to an administrative hearing under N.J.S.A. 52:14B-10, or an administrative review under N.J.S.A. 58:14B-12.